

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ERIC KOWALSKI and  
ANTOINETTE KOWALSKI,

*Plaintiffs,*

v.

WELLS FARGO BANK, N.A.,

*Defendant.*

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Case No. 4:12cv142  
(Judge Clark/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 22, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Wells Fargo Bank, N.A. 's Motion to Dismiss Plaintiffs' Second Amended Complaint [Doc. #21] be denied.

The Court, having made a *de novo* review of the objections raised by Defendant [Doc. #26], is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant Wells Fargo Bank, N.A. 's Motion to Dismiss Plaintiffs' Second Amended Complaint [Doc. #21] is DENIED.

So **ORDERED** and **SIGNED** this **14** day of **September, 2012**.



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Ron Clark, United States District Judge